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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,024	06/23/2000	David Jacobs	A-7081	9204

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EXAMINER
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DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/602,024	<b>Applicant(s)</b> JACOBS ET AL.	
	<b>Examiner</b> J. Bret Dennison	<b>Art Unit</b> 2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-35 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-35 is/are allowed.
- 6) ☒ Claim(s) 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>D2119106</u>  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Action is in response to Application Number 09/602,024 received on 21 September 2005.
2. Claims 18-35 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-20, 22-25 and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Schultz et al. (U.S. 6,453,339).

3. Regarding claims 18, Schultz disclosed an automated provisioning system for enabling activation of users and services in a distributed electronic system, which provisioning system is adapted to use an LDAP or X.500 compatible directory enabled information repository comprising one or more directories;

the system further comprising a service manager interfacing with the information repository and components of a distributed electronic system (engine 26-repository 22, Fig.2; Col.2, line 57-Col.3, line 9), and

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the information repository comprises a scalable data model (Col. 3, lines 10-52, Schultz disclosed the repository including a hierarchy of folders, in which objects can be organized by user or subject, and the structure allows the user to navigate the objects in a structured manner, the information is organized into channels to which users can subscribe to); and

the service manager is adapted to log on to a directory and interacts therewith to create, delete, amend or search for information in the information repository (Col.3, lines 10-52; Col.12, line 66-Col.13, line 7; Col.17, lines 17-34),

wherein the service manager interacts, through a plurality of interfaces, with components and users of the distributed electronic system to enable authentication and authorization to use services running on the components such that the services can be activated (User accessing, the repository, via the engine include authentication and authorization, Col.5, lines 12-24; Col.11, lines 11-28).

4. Regarding claim 19, Schultz disclosed the limitations, substantially as claimed, as described in claim 18, the data model comprises domains, users, services, profiles and infrastructure (user, profiles, Col.11, line 29-Col.12, line 52; the repository stored the object keys for type of service such as news service or infrastructure, inherently includes domains name, Col.4, lines 43-54).

5. Regarding claim 20, Schultz disclosed the limitations, substantially as claimed, as described in claim 18, including wherein a subscriber uses an automatic on-line

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subscriber self-registration system to subscribe to new services, or to modify or unsubscribe from existing services via a user interface, in which the user interface interacts with the service manager (user can subscribe to services, Col.3, lines 19-29).

6. Regarding claim 22, Schultz disclosed the limitations, substantially as claimed, as described in claim 19, including wherein users are provided with profiles defining services and components available to the user, each user having at least one profile (Col. 12, lines 17-21).

7. Regarding claim 23, Schultz disclosed the limitations, substantially as claimed, as described in claim 22, including wherein the profile comprises a base profile, which base profile describes the core characteristics of the user (Defaultgroup Col.11, lines 40-41; Col.35, lines 36-51).

8. Regarding claim 24, Schultz disclosed the limitations, substantially as claimed, as described in claim 23, including wherein profile further comprises an extension profile, which extension profile represents refinements to services available to the user (Col. 17, lines 9-16).

9. Regarding claim 25, Schultz disclosed the limitations, substantially as claimed, as described in claim 24, including wherein profile comprises a combination of one or more base profiles and extension profiles (Col.17, lines 9-16).

10. Regarding claim 27, Schultz disclosed the limitations, substantially as claimed, as described in claim 18, including wherein requests initiated are made to the service manager by a plurality of servers, via a user interface, (Col. 6, lines 4-17).

11. Regarding claim 28, Schultz disclosed the limitations, substantially as claimed, as described in claim 27, including a plurality of object request brokers and a plurality of service managers (servlets and API, Col.7, line 16-Col.8, line 31).

12. Regarding claim 29, Schultz disclosed the limitations, substantially as claimed, as described in claim 20, including wherein user interfaces comprise web interfaces adapted to use servlets to create a separate thread of execution for each request (Col.4, line 62-Col.5, line 2; Col. 7, lines 24-29).

13. Regarding claim 30, Schultz disclosed the limitations, substantially as claimed, as described in claim 18, including a directory communication layer enables the service manager to work with multiple directories (repository is organized in hierarchy of folders, Col.3, lines 10-18).

14. Regarding claim 31, Schultz disclosed the limitations, substantially as claimed, as described in claim 18, including wherein the service manager permits abstraction of

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the services away from the infrastructure of the distributed electronic system (Schultz, col. 4, lines 35-45).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz et al. (U.S. 6,453,339).

15. Regarding claim 21, Schultz disclosed the invention substantially, as set forth in the rejection of claim 20, above, including allowing users to subscribers to multiple services, but fails to use the invention in a cable TV system. Official Notice is taken (see MPEP 2144.03) that cable TV system and its utility and high bandwidth, i.e., broadband were well known and widely utilized in the art. Exemplary utilities have been realized in Television service, Internet service, and etc. Thus taking advantage of well-known broadband transmission by incorporating the well-known Cable TV system, for providing services as suggested in Schultz would have been obvious to one of ordinary skill in the art at the time of the invention was made, with the motivation of increasing, speed of services and number users or subscribers.

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz et al. (U.S. 6,453,339), as applied to claim 18, and in view of Ranalli et al. (U.S. 6,539,077).

16. Regarding claim 26, Schultz disclosed the invention substantially, as claimed, as set forth in the rejection of claim 18, above, including, creation, deletion or modification of information in a database, in which required a trigger mechanism (Col.15, line 12-Col.16, line 4). Schultz does not explicitly disclose applying to an object outside the directory server, such that capability of distributing information to billing and workflow management. However, at the time of the invention was made, there was no novelty of using a directory service, e.g., LDAP for tracking network devices workflow and for billing purposes, in an analogous art, Ranalli teaches such that (Col.16, lines 24-55). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to expand Schultz's utility by incorporating Ranalli's idea of including billing and workflow management, with the motivation of enhancing utility to cover services cost.

#### ***Allowable Subject Matter***

Claims 32-35 are allowed. The following is an examiner's statement of reasons for allowance: Claim 32, as presented discloses wherein the data model includes configuration objects for intercommunicating between said object types of users, services, profiles, and infrastructure, the configuration objects comprising a user service configuration object to configure use of the service when associated with a particular



user, a profile service configuration object to configure aspects of the service when associated with a particular profile, and a service infrastructure object to configure aspects of the service when associated with a particular piece of infrastructure, which, in addition to the rest of the claim limitations, are distinguished from the prior art.

### ***Response to Amendment***

Applicant's arguments submitted 30 May 2006 have been fully considered but they are not persuasive.

Applicant argues, "Schultz relates to a system and method for presenting data from a plurality of sources to a user. It does not deal with provisioning, i.e. activating services in a communications network" [see Applicant's Response, page 7, first paragraph]. Applicant continues to argue, "Schultz discloses an automated process but does not disclose any provisioning, whether automated or not" [see Applicant's Response, page 7, second paragraph].

In response to applicant's arguments, the recitation "provisioning" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

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Examiner would also like to point out that applicant states, "The invention is the service manager, not the electronic system itself. Reference to the system is made in intended use language" [see Applicant's Response, page 6, paragraph 3]. Examiner does not understand why Applicant would state that "reference to the system is made in intended use language", and then argue points about the system, as it is known that language of intended use does not further limit the claim.

In response to applicant's statement that reference to the system is made in intended use, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

As shown in the above rejection, Schultz disclosed the structure relied upon in the claimed invention. Examiner does not see any structural difference between Schultz and the claimed invention. Therefore the claimed invention is not patentably distinguished over the prior art.

Applicant argues, "The server engine 26 does not permit any abstraction of services away from the infrastructure – it simply manages content requests and orders them accordingly."

Examiner respectfully disagrees.

In no portions of Schultz disclosed that the server engine excludes any abstraction services away from the infrastructure. Schultz does however disclose two

information sources that are external, which include a data warehouse 14.1, and an on-line transaction processing system 14.2. Schultz also disclosed other information sources 14.3, such as personal computer applications generating word processing or spreadsheet documents which can publish to the library of system 10. Schultz also disclosed storage device 16, which is also external, as well as accessing content stored at the storage device (Schultz, col. 4, lines 35-50).

Applicant states, "Services are the logical association of different pieces of infrastructure and/or existing services, which cooperate to provide the requirements of a particular entity. The infrastructure may be the network hardware... The infrastructure may also be applications... or any other type of software that the APS system will manage."

Based on Applicant's definition of services, one of ordinary skill would interpret the applications/data running at devices 14.1, 14.2, and 14.3 to include such services, and therefore the server engine in fact does permit abstraction of services away from the infrastructure.

Applicant argues, "Schultz does not disclose a system with a scalable data model" [see Applicant's Response, page 8, last paragraph].

Examiner respectfully disagrees.

Schultz disclosed the repository including a hierarchy of folders, in which objects can be organized by user or subject, and the structure allows the user to navigate the objects in a structured manner, the information is organized into channels to which

users can subscribe to (Schultz, Col. 3, lines 10-52). Therefore, Schultz disclosed a repository that can be accessed by a number of users thereby being able to handle the workload or transactions without undue strain, i.e. scalable.

Applicant states, "The repository contains the data model, i.e. it models the data comprising the infrastructure most, if not all of which is external to the repository" [ see Applicant's Response, page 8 paragraph 1].

As explained above, the repository does model the data which is external to the repository.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

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applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

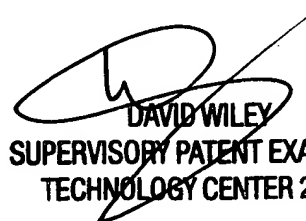
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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